

REMARKS

A. AMENDMENTS TO THE CLAIMS

Claims 11-27 are under examination. Claims 11, 15, 16, 17, 22 and 23 are amended. New claim 28 is added.

Claim 11 is amended in the preamble to identify that the method determines whether the test substance induces or promotes growth of new vascular tissue.

Claims 15, 16 and 22 are amended to phrase the feature in terms of the examining step.

Claim 17 is amended in the preamble to identify that the method determines whether the test substance inhibits or prevents growth of new vascular tissue, to define the second composition as containing a test substance.

Claim 23 is amended to rephrase the language of the preamble.

New claim 24 is added, depending from claim 17, to provide that the test compound is a possible angiogenic regressor test substance. Support is found in claim 17 as filed and at para. [0017].

No new matter has been added, and no new claim fees are due.

B. REJECTIONS UNDER 35 USC 112

Claims 11-27 are rejected under 35 USC 112, 2nd paragraph, as being indefinite. Applicants address the rejections generally in the order presented in the action.

Claim 11: The Examiner considers the phrasing of the preamble to be vague and indefinite. Applicants believe that a person of ordinary skill clearly understands the meaning and scope of the preamble of the claim. Nevertheless, without acquiescing to the rejection or its basis, Applicants have amended claim 11 as suggested by the Examiner to obviate the rejection, and request that the rejection be withdrawn.

Claim 11, 17 and 23: The Examiner considers the claims unclear regarding a rodent pup having a papillary membrane, since the Examiner believes that the fetal membrane normally atrophies during gestation. Applicants traverse. The Examiner's attention is drawn to paragraph [0010] which explains that regression of the papillary membrane occurs in the second week after

birth for many species of the rodent family, including rats and mice.

Claims 12 and 19: The Examiner considers the claim is indefinite for not specifying what the “control” must be. Applicants traverse. First, persons of ordinary skill in the art are familiar with the concept of controls in scientific studies, and with selection of appropriate control testing. Furthermore, the disclosure at para. [0037] provides examples of a control.

Claim 15, 16 and 22: The Examiner considers the phrasing of the preamble to be vague and indefinite. Applicants believe that a person of ordinary skill clearly understands the meaning and scope of the preamble of the claim. Nevertheless, without acquiescing to the rejection or its basis, Applicants have amended claim 11 as suggested by the Examiner to obviate the rejection, and request that the rejection be withdrawn.

Claim 17: The Examiner considers the phrasing of the preamble, step b, and step c to be vague, indefinite and/or confusing. Applicants believe that a person of ordinary skill clearly understands the meaning and scope of the preamble of the claim. Nevertheless, without acquiescing to the rejection or its basis, Applicants have amended claim 17 as suggested by the Examiner to obviate the rejection, and request that the rejection be withdrawn.

Claim 23: The Examiner considers the phrasing of the preamble to be vague and indefinite. Applicants believe that a person of ordinary skill clearly understands the meaning and scope of the preamble of the claim. Nevertheless, without acquiescing to the rejection or its basis, Applicants have amended claim 23 as suggested by the Examiner to obviate the rejection, and request that the rejection be withdrawn.

Applicants believe a full and complete response to the Action has been made, and that the claims are patentable over the prior art of reference. Applicants request a prompt notice of allowance of the application.

Respectfully submitted,

For: R. LANG et al.

By: 

Daniel F. Nesbitt
Attorney for Applicants
Registration No. 33,746
(513) 229-0383
Customer No. 38155

June 25, 2008